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It would seem that the public is interested in having such restrictions, that have outlived their usefulness, destroyed and sufficiently so to authorize their taking under eminent domain proceedings.

CONSTITUTIONAL LAW—"EQUAL PROTECTION OF THE LAWS"—Costs.—Chapter 87, section 5, Oklahoma Session Laws 1915, provided that a docket fee of \$25 should be taxed, collected and recoverable as other costs in each case filed in the Supreme Court. Petitioner claimed that the provision was unconstitutional because the amount of the fee was unreasonable considering the service rendered. *Held*, that the provision was constitutional. *In re Lee*, (Okla. 1917), 168 Pac. 53.

Petitioner challenged the reasonableness of the fee, yet the court's argument and citations go to prove little more than that the constitutional provision against selling justice "was never intended to guarantee the right to litigate entirely without expense to the litigants \* \* \*". *Malin v. Lamoure County*, 27 N. D. 140. The position is sound as far as it goes, but it is far from a complete answer to the problem propounded. A \$25 fee may be so large as to constitute a denial of the equal protection of the laws. The broad reasoning of *Harrison Co. v. Willis*, 7 Heisk. (54 Tenn.) 35, eliminates any investigation into the reasonableness of the amount by calling the docket fee a tax on litigation and grouping it with general taxes. *Weston v. Charleston*, 2 Pet. 449. But that grouping cannot be relied on here because the act now in question originated in the Senate and it gains its validity only by being distinguished from taxes for revenue. *Henderson v. State ex. rel. Stout*, 137 Ind. 552; *Northern Counties Trust v. Sears*, 30 Ore. 388. If, then, the reasonableness of the docket fee must be considered, the largest amount actually approved by a court seems to be \$6. *Swann v. Kidd*, 79 Ala. 431. Still this might not make \$25 unreasonable. If the statute had provided for an exception upon filing an affidavit of poverty, it would probably be a clear case. One would like to know whether the state may make a profit on its litigation; whether any uniform fee is reasonable so long as the state makes no profit; whether reasonableness is to be tested only by the possibility of discrimination among the litigants; whether the fee may be more than a reasonable compensation for the actual labor performed by the clerk. The facts seem to answer the last question in the negative unless answers to all the questions be considered *dicta* on the ground that the docket fee was for the Supreme Court and might well be considered as intended to repress appeals. *Harrigan v. Gilchrist*, 121 Wis. 127. The question then would be whether the right to abolish gives the right to regulate without judicial control.

CONSTITUTIONAL LAW—POLICE POWER—UNIFORM STATE GRADING ACT.—N. Dak. Laws 1917, c. 56, proposed to create uniform state grades for all grain by having an expert state inspector appointed to define and publish the grades. He was, also, to appoint deputy inspectors and it was made unlawful for any person operating a public warehouse to purchase grain without being licensed as a deputy unless the grain had been previously graded, weighed, and inspected by a deputy. The towns in various quarters were to furnish means for weighing and inspecting; the state inspector was to prescribe the